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SUBJECT: ARMENIA AGREES TO REVISE EXPORT CONTROL DECREES

REF: YEREVAN 313

Classified By: Charge d'Affaires Joseph Pennington, reasons 1.4 (b,d).

#### Summary

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1. (S/NF) U.S. export control experts met with an Armenian inter-agency team to explore ways of strengthening Armenia's controls for munitions exports on May 27 and May 29. The day prior to these discussions, the Armenians presented a munitions list not previously shared with the U.S., based on the European Union's Common Military List. The two days of discussions failed to clarify how Armenia currently implements export controls, particularly with respect to munitions items. However, as a result of these discussions, the Armenians stated that they intend to revise their government resolutions currently covering export controls, and to clearly separate the control of munitions items from dual-use items. They intend to base their revised munitions list on the Wassenaar munitions list. They anticipated having draft decrees available for consultations with the U.S. by July 15, and to complete the process of revising these decrees by September 1. End Summary.

#### The Armenian Munitions List

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2. (S/NF) On May 27 and 29, John Albert, the Head of the U.S. delegation to the Wassenaar Arrangement's Experts Group, and Paul Shott, EXBS advisor to Armenia, met with an Armenian inter-agency group headed by Colonel Davit Tonoyan, Head of the Policy Division of the Armenian Ministry of Defense, to discuss ways to improve Armenian export controls for munitions items. In preparation for these discussions, the Armenians had initially presented Resolution 960 dated July 31, 2003 as representing their munitions list. Appendix 2 to this decree lists only five items for control, most of which relate to spare parts and not the items themselves. On May 26, the Armenians presented a version of their munitions list not previously shared with the U.S. that they described as being a translation of the EU Common Military List. The EU Common Military List is an Appendix to the EU Dual-Use List, and is virtually identical to the Wassenaar Munitions List. The Armenians appear to have been treating this appendix as part of the Dual-Use List, which may account for some of the confusion in identifying it as their munitions list.

3. (S/NF) The Armenians were reluctant to discuss either the list associated with Resolution 960 or the EU Appendix. An initial glance at the Armenian translation of the EU Appendix showed differences between the caliber of weapons specified in the EU Appendix and those specified in the Armenian translation. Further study of the two lists revealed significant differences between the Armenian translation of

the EU Appendix and the translation of the Wassenaar Munitions List presented by the U.S. in preparation for the dialogue. In addition to the caliber of weapons being different, the Armenian translation of the EU Appendix omitted all the notes, technical notes and Nota Benes that appear in both the Wassenaar Munitions List and the EU Appendix. The Armenian version also omitted ML15 for imaging and countermeasure equipment. The chemical compounds listed in the Armenian list did not seem to match those in the EU Appendix/Wassenaar Munitions List.

¶4. (S/NF) Armenian explanations of how its current export control system works were difficult to understand. They argued that Armenia had no munitions exports because it needs all the munitions that it has. Because no one can export anything without government approval, no export licenses are necessary for specific items. They said that Armenia had no

armament manufacturing capability and later that it had limited arms manufacturing capability. When pressed to respond to specific questions related to who would have to authorize certain actions, the responses remained non-specific.

#### U.S. Recommendations

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¶5. (S/NF) The U.S. experts offered a variety of examples of munitions exports that could have an impact on Armenia's security. U.S. experts explained how certain modifications can make uncontrolled items controlled. These arguments engaged the Armenians in detailed discussions. The Armenians seemed to accept the argument that the current list in Resolution 960 is inadequate, and that their munitions list should be clearly separated from their dual-use list. Ministry of Defense officials seemed attracted to assuming a more active role in munitions exports. The U.S. experts explained the careful way in which the Wassenaar lists are constructed, and the importance of incorporating all the details including the notes, technical notes and Nota Benes to properly implement the lists.

#### Next Steps

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¶6. (S/NF) As a result of these discussions, the Armenians proposed to take the following steps:

-- They intend to re-draft three and possibly all four of the resolutions pertaining to export controls.

-- Resolution 822 will be re-written to delete the EU Appendix from the Dual-Use list.

-- Resolution 960 will be re-written to incorporate a munitions list based on the translation of the Wassenaar munitions list provided by the U.S.

-- Unspecified revisions will be made in Resolution 124 from ¶1995.

-- Resolution 902 may need to be revised to take into account changes in the responsibilities of certain agencies.

-- Drafts of these revised decrees should be available for consultation with the U.S. by July 15.

-- The Armenians intend to have all of these decrees finalized and signed by the Prime Minister by September 1.

#### U.S. Comments On The Next Steps

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¶7. (S/NF) U.S. experts recommended that the actual munitions list not be included in the decree. Rather, the decree should give the Military Technical Committee responsibility for maintaining the Armenian munitions list. As Wassenaar and the EU change their list annually, this would preclude

having to revise the decree every year to accommodate these changes. U.S. experts also recommended that the Munitions List be published so that all could be familiar with its contents. U.S. experts cautioned against relying on Harmonized Tariff Standard (HTS) codes in implementing an export control system. U.S. experts pressed the Armenians to consult prior to July 15 if they encountered difficulty in re-drafting their export decrees. Colonel Tonoyan said he would appreciate draft language that incorporated the U.S. recommendations for the Military Technical Commission.

PENNINGTON